

SEVENTY-NINTH DAY

(Thursday, June 1, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Lemens Redditt

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Redditt was granted leave of absence for today on account of illness, on motion of Senator Aikin.

Senator Lemens was granted leave of absence for this morning on account of important business on motion of Senator Stone of Galveston.

Motion to Introduce Bill

Senator Burns moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill, the provisions of which he explained.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—22

Aikin	Martin
Beck	Moffett
Brownlee	Moore
Burns	Pace
Collie	Shivers
Cotten	Stone
Graves	of Galveston
Hardin	Stone
Hill	of Washington
Isbell	Sulak
Kelley	Van Zandt
Lanning	Winfield

Nays—5

Metcalf	Spears
Nelson	Weinert
Small	

Absent

Head Roberts

Absent—Excused

Lemens Redditt

Senate Bill on First Reading

The following local bill was introduced, read first time, and referred to the committee indicated:

By Senator Kelley:

S. B. No. 484, A bill to be entitled "An Act creating a special road law for McMullen County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of May 15th, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; providing this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

Senate Resolution 90

Senator Hill offered the following resolution:

Whereas, This Legislature is laboring under a clear mandate from the people to raise the necessary revenue with which to carry on the normal functions of government, and in addition thereto to provide the means for

the support of a Social Security Program adopted by a direct referendum to the people in the form of Constitutional Amendments; and

Whereas, It is the constitutional obligation and duty of the Legislature to raise revenues for governmental functions and the Social Security Program of the State, and solely within their prerogative to determine the necessary means whereby such revenues may be provided; and

Whereas, The Bill of Rights provides that "the citizens shall have a right, in a peaceable manner, to assemble together for their common good; and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance," this provision of the Constitution being wisely inserted by our forebears for the purpose of safeguarding some of the sacred liberties and guaranties vouchsafed by our people under a representative democracy; and

Whereas, There now exists a situation with respect to the fulfillment of its constitutional functions wherein one branch of our government, to-wit, the legislative branch, is being subjected to influences, harassments and handicaps contrary to the best interests of the people and representative government, and in direct conflict with the proper administration of our government, in that since before the convening of this session of the Legislature there has been assembled in Austin the greatest number of paid representatives of such interests as the large oil companies, gas companies, utility, insurance, railroad, truck, bus, sulphur companies and chain stores, and an innumerable number of "free lance" lobbyists, many of whom have throughout the entire session of the Legislature, resorted to every artifice, scheme, device, and in some instances, illegitimate means to influence the Legislature; and it has been the acknowledged and publicly expressed intention of notably the oil, gas, sulphur and utility lobbyists to defeat any efforts on the part of this Legislature to pass any form of statutory legislation calculated to raise the necessary revenue to meet the Social Security Program adopted by the people as heretofore set out; and

Whereas, This group of special-interest lobbyists has not assembled

in Austin in accordance with the aforementioned provision of the Bill of Rights in that they have not resorted to the constitutional privilege of petition, but on the other hand many have resorted to subversive and illegitimate means to purvey influence, to subvert the actions of the Legislature to the accomplishment of their own ends, and to defeat the expressed will of the people, and have undertaken not to "petition" the Legislature nor "to redress any grievance," but have sought to influence a trend in legislation favorable to their viewpoint; and

Whereas, The matter of lobbying activities in Austin has long been a matter of common knowledge and has tended in many instances to bring the Legislature into disrepute, and is currently subjecting members to criticism; and

Whereas, It is a matter of common knowledge that the representatives of the various interests set out above have spent vast sums of money for entertainment and other expenses incident to their activities here; and

Whereas, This lobby has uniformly undertaken to defeat the passage of any statutory enactment providing for revenues for social security purposes hereinabove referred to, and have resorted to the means above referred to to defeat the passage of any such legislation, and to promote the passage of a constitutional amendment providing for a sales tax combined with other levies; now, therefore be it

Resolved, By the Senate of the State of Texas that a Committee of five Members of the Senate be appointed to conduct a full and complete investigation of lobbying activities that have been conducted during the present session of the Legislature, and that this Committee be and is hereby granted authority to meet at such times and places as in the wisdom of the Committee may be necessary, and is further empowered with full and complete authority to issue subpoenas and compel attendance of witnesses, to conduct hearings, either public or private; and the Committee is expressly directed to compel the production of all expense accounts, vouchers, hotel bills and such other data as may be necessary to bring about and effect a full disclosure as to the amount of money that has been spent during the current session

of the Legislature by the various companies, groups and associations that have been represented in Austin by lobbyists, and report their findings and recommendations to the next Regular Session of the Legislature, and the Committee is hereby appropriated out of the Contingent Fund of the Forty-sixth Legislature the sum of Two Thousand Five Hundred (\$2,500.00) Dollars for the purpose of paying mileage and expenses of the members of said Committee, and for the purpose of employing investigators, reporters and such other incidental expenses as may be necessary and incident to the conduct of this investigation; said money to be expended on warrants issued by the State Comptroller upon presentation of verified accounts approved by the Chairman of the Committee, the Lieutenant Governor and Chairman of the Contingent Expense Account Committee of the Senate; and the Committee is hereby granted the power to select its own Chairman and Secretary, and the Committee shall have the authority to call upon any department or departments, particularly the Attorney General and the Department of Public Safety, for assistance in the conduct of this investigation.

The resolution was read and was placed on the calendar of business on the President's table.

Senator Cotten moved that Senate rule 11b be suspended and that the resolution be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Aikin	Moore
Beck	Pace
Brownlee	Roberts
Burns	Shivers
Cotten	Stone
Graves	of Washington
Isbell	Van Zandt
Kelley	Weinert
Martin	Winfield

Nays—12

Collie	Nelson
Hardin	Small
Head	Spears
Hill	Stone
Lanning	of Galveston
Metcalf	Sulak
Moffett	

Absent—Excused

Lemens

Redditt

Senate Resolution 91

Senator Moore offered the following resolution:

Whereas, The following editorials appear in the San Antonio Express, * * * * * now, therefore, be it

Resolved, That there is food for thought in these editorials.

Pending reading of the resolution, Senator Hill moved that further reading of it be dispensed with.

Senator Hill withdrew the motion.

Senator Spears then moved that further reading of the resolution be dispensed with.

Senator Cotten raised the point of order that the motion to dispense with a full reading of the resolution may not be made during the morning call, which has not yet been concluded.

Senator Spears demanded an immediate ruling on the point of order, and the demand was not duly seconded by 10 Senators.

Senator Spears again demanded an immediate ruling on the point of order, and the demand was not duly seconded by 10 Senators.

Senator Spears again demanded an immediate ruling on the point of order, and the demand was duly seconded.

Question—Shall the point of order be decided immediately?

The Senate then ordered the point of order decided immediately by the following vote:

Yeas—17

Aikin	Kelley
Beck	Lanning
Brownlee	Metcalf
Collie	Moffett
Graves	Nelson
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Sulak

Nays—8

Burns	Moore
Cotten	Pace

Roberts
Van Zandt

Weinert
Winfield

Absent

Martin
Shivers
Small

Stone
of Washington

Absent—Excused

Lemens

Redditt

The President overruled the point of order.

Question then recurring on the motion of Senator Spears to dispense with further reading of the resolution, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16

Aikin
Brownlee
Collie
Graves
Hardin
Head
Hill
Isbell
Kelley

Lanning
Metcalf
Moffett
Nelson
Spears
Stone
of Galveston
Sulak

Nays—10

Beck
Burns
Cotten
Moore
Pace
Roberts

Stone
of Washington
Van Zandt
Weinert
Winfield

Absent

Martin
Shivers

Small

Absent—Excused

Lemens

Redditt

On motion of Senator Hill, and by unanimous consent, it was ordered that the editorials incorporated in the resolution be not printed in the Journal.

Motion to Take Up House Concurrent Resolution 146

Senator Stone of Washington moved that the regular order of business be suspended and that H. C. R. No. 146 be taken up for further consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Beck
Burns
Collie
Cotten
Head
Kelley
Lanning
Metcalf
Moffett
Moore

Pace
Roberts
Stone
of Galveston
Stone
of Washington
Van Zandt
Weinert
Winfield

Nays—9

Aikin
Brownlee
Graves
Hardin
Hill

Isbell
Nelson
Spears
Sulak

Absent

Martin
Shivers

Small

Absent—Excused

Lemens

Fedditt

House Bill 344 on Passage to Third Reading

(Special Order)

The President laid before the Senate, as the unfinished special order, on its passage to third reading (the bill having been read second time on Tuesday, May 23, 1939):

H. B. No. 344, A bill to be entitled "An Act defining publication, newspaper, political sub-division, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a minimum and a maximum charge for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; repealing conflicting provisions of Articles 3, 29, 1154, 3311, 3334, 3808, 4204, 7206, 7276, 7342 and 7624 of the Revised Civil Statutes of Article 4115 of the Revised Civil Statutes as amended by Acts of 1935, Forty-fourth Legislature, Chapter 254, Section 1, of Acts of 1925, Thirty-ninth Legislature, Chapter 161, Sections 2 through 6, of Acts of 1933, Forty-third Legislature, First Called Session, Chapter 84, Section 1, and of Acts of 1937, Forty-fifth Legislature,

Chapter 506; repealing all parts of laws in conflict; providing a rule of construction, and declaring an emergency."

Question—Shall the bill be passed to third reading?

Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 69, "An Act providing that no party who participates either in person or by his attorney in the actual trial of a case in the trial court shall be entitled to review by the Court of Civil Appeals through means of writ of error; providing for a repeal of all laws and parts of laws insofar as they conflict with this Act or repeal; providing that writ of error shall continue to be available under the rules and regulations of the law, to a party who does not participate in the trial of the case in the trial court; providing for the effective date of this Act, and declaring an emergency."

H. B. No. 1074, "An Act amending Article 2092 of the Revised Civil Statutes of Texas, being Chapter 105 of the Acts of the Regular Session of the Thirty-eighth Legislature, page 215, as amended by the Acts of the Forty-first Legislature, Regular Session (1929), Chapter 222, page 476, and by Chapter 70, page 227 of the Acts of the Fifth Called Session of the Forty-first Legislature (1930), and by Chapter 33, page 58 of the Acts of the Third Called Session of the Forty-third Legislature (1934), and by Chapter 249, page 636 of the Acts of the Forty-fourth Legislature, Regular Session (1935), so as to make same applicable to all counties having five (5) or more District Courts with either civil or criminal jurisdiction or both, and declaring an emergency."

H. B. No. 1103, "An Act prohibiting the taking of fish for commercial purposes from the public waters of Jones and Shackelford Counties; prescribing penalties, and declaring an emergency."

S. C. R. No. 58, Inviting Honorable Martin L. Dies, Congressman from Texas, to address a joint session of the Legislature.

Conferees on House Bill 580

The President announced the appointment of the following conferees on H. B. No. 580 on the part of the Senate: Senators Isbell, Small, Shivers, Cotten and Pace.

Appointments Announced

Pursuant to S. C. R. No. 58, the President announced the appointment of the following committee on the part of the Senate: Senators Brownlee, Shivers, and Collie.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, June 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 192, A bill to be entitled "An Act authorizing Commissioners' Courts to acquire by purchase or by condemnation any new or wider right of way or land not exceeding one hundred (100) feet in width for stream bed diversion and drainage channels in connection with the locating, relocating, construction, reconstruction or maintenance of any public road; and to acquire by purchase or by condemnation land or lands for obtaining earth, stone, gravel or other material necessary or convenient to the construction, reconstruction, maintenance, widening, straightening, or lengthening of any public road and to pay for the same out of the County Road and Bridge Fund or out of any available county funds; repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 240, A bill to be entitled "An Act regulating fishing in Burnet, Llano, San Saba, and Travis Counties; providing for size and bag limits of fish caught or taken from waters in such counties and making it unlawful to take or catch fish from the water of Buchanan, Inks, Marshall Ford, Marble Falls, and Tom Miller Lakes except by certain means or the use of certain devices; provid-

ing for a closed season in such lakes and make exceptions; regulating the sale or transportation of minnows; providing a universal fishing license for such counties; and providing a penalty and declaring an emergency." (With amendments.)

S. B. No. 297, A bill to be entitled "An Act regulating the execution by teachers and school employees, of assignments of salaries or wages, or any interest therein, as security for indebtedness, defining teachers and school employees, within the terms of this Act, and providing that all assignments of salary or wages or any part thereof or interest therein not executed in accordance with the provisions of this Act shall be invalid and unenforceable."

S. B. No. 393, A bill to be entitled "An Act amending Section 1 of Chapter 5 of the Acts of the Second Called Session of the Forty-third Legislature as amended by Chapter 459, Acts of the Second Called Session of the Forty-fourth Legislature so as to permit the obtaining of funds by the several named governing boards of State educational institutions from sources other than the United States, or agencies thereof; repealing all laws in conflict herewith; and declaring an emergency." (With amendments.)

S. B. No. 446, A bill to be entitled "An Act repealing House Bill No. 558 passed by the Forty-sixth Legislature of the State of Texas and making an emergency appropriation out of the General Revenue of the State of Texas for the Secretary of State, for the purpose of compiling, editing, indexing, binding and distributing the current laws; making same immediately available; and declaring an emergency."

S. B. No. 447, A bill to be entitled "An Act to declare a State policy regarding the encouragement and stimulation of new uses for cotton; directing that the various State agencies shall take due notice of such policy; directing particular State agencies to do the same; providing that certain agencies of the State Government shall be revamped and reorganized; directing the Governor to carry out the policy established by this Act; creating the Cotton Research Award Fund; making an appropriation therefor; providing for a Board of Trustees for said fund; pro-

viding the duties and powers of said Board of Trustees; setting forth certain conditions concerning expenditures from said fund; providing for the Comptroller to pay warrants drawn against said fund; and declaring an emergency." (With amendments.)

S. B. No. 448, A bill to be entitled "An Act directing the Texas State Parks Board to execute quit-claim deeds to lands situated in the Big Bend Park in Brewster County which were sold for taxes and acquired by the State for park purposes under the terms of Chapter 100, Acts of the First Called Session of the Forty-third Legislature, to the original owners in cases where the taxes were not actually delinquent, and where tax receipts or tax certificates can be produced showing payment of such taxes; and declaring an emergency."

S. B. No. 454, A bill to be entitled "An Act validating bonds and other instruments or obligations, and the proceedings in reference thereto, heretofore issued by water control and improvement districts, water improvement districts, irrigation districts, conservation and reclamation districts, drainage districts, levee districts, navigation districts, road districts, school districts, counties, cities, incorporated towns and villages of this State for public works projects or for the funding or refunding of indebtedness theretofore incurred; restricting the application of this Act to instances wherein either loans or grants or both have been made to such public bodies by the United States of America, providing that the provisions of the Act shall not apply to any proceedings authorizing the issuance of bonds, notes or warrants, or to such securities in litigation instituted prior to the delivery of such securities and pending when the Act becomes effective, and declaring an emergency." (With amendments.)

S. B. No. 455, A bill to be entitled "An Act relating to the subject of bonds, notes and warrants issued by the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board

of Regents of the College of Industrial Arts, and the Board of Directors of the Texas College of Arts and Industries, under Chapter Five, Acts of the Second Called Session of the Forty-third Legislature and amendments thereto, and all other laws, including the validating of the bonds, warrants and notes issued by said Boards, the resolutions and other proceedings authorizing their issuance, and the provisions made for the payment of principal and interest of such bonds, warrants and notes; and making it the duty of said Boards to fix, maintain and collect charges or rates sufficient to pay principal and interest as it accrues and matures on bonds, warrants and notes heretofore or hereafter issued, and for reasonable reserves; and declaring an emergency." (With amendments.)

S. B. No. 462, A bill to be entitled "An Act amending Section 1, of Chapter 80, page 122, Acts of the Forty-second Legislature, Regular Session, so as to more adequately define the powers of the Governor of Texas in appointing the members of the State Commission for the Blind, and declaring an emergency." (With amendments.)

S. B. No. 479, A bill to be entitled "An Act to amend Section 1, Chapter 494, of the Acts of the Regular Session of the Forty-fifth Legislature; adding the County of San Saba to the list of counties affected by said Act; repealing all laws in conflict herewith and declaring an emergency."

S. B. No. 480, A bill to be entitled "An Act, making it unlawful to transport minnows from Walker County for the purpose of sale, or to transport more than two hundred minnows from Walker County, or to have in any vehicle more than two hundred minnows in Walker County; providing a penalty; repealing all conflicting laws, and declaring an emergency."

S. B. No. 285, A bill to be entitled "An Act to amend Section 1 of Chapter 210, H. B. No. 253, Acts of the Regular Session of the Forty-first Legislature, 1929; as amended by Section 1, Chapter 142, H. B. No. 4, Acts of the Regular Session of the Forty-fourth Legislature, 1935; as

amended by Section 1, Chapter 167, H. B. No. 87, Acts of the Regular Session of the Forty-fifth Legislature, 1937; empowering the State Board of Education to adopt by a vote of six of its members a multiple list of textbooks in German, Czech, and French languages, for use in public high schools; and by a vote of six of its members to adopt, for use in the public high schools, a multiple list of textbooks in the English language in each of the subjects of commercial arithmetic, bookkeeping, and type-writing; repealing all laws and parts of laws in conflict therewith, and declaring an emergency." (With amendments.)

The House has concurred in Senate amendments to H. B. No. 563 by a vote of 125 yeas and 3 noes.

The House has adopted the conference committee report on H. B. No. 1018 by a vote of 105 yeas and 22 noes.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Joint Session

At 11:25 o'clock a. m., the President announced the joint session to hear an address by Honorable Martin Dies, as provided in S. C. R. No. 58, would be held at 11:30 o'clock a. m. today, and he requested the Senators to proceed to the Hall of the House for the joint session.

The Honorable Senators were announced at the Hall of the House and were duly admitted and escorted to seats prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's stand.

Honorable Martin Dies, accompanied by Governor W. Lee O'Daniel, was admitted to the Hall of the House; and they were escorted to the Speaker's stand by Senators Brownlee, Shivers and Collie, on the part of the Senate, and by Representatives Lock, Kinard, Reviere, Nicholson, Daniel, Davis of Jasper, and Westbrook, on the part of the House.

Representative Homer Leonard, acting as the presiding officer of the House, called the joint session to

order and announced a quorum of the House present.

The President of the Senate announced a quorum of the Senate present.

Mr. Leonard presented Representative DeWitt Kinard, of Jefferson County, who, in turn, introduced Honorable Martin Dies, Representative in Congress from the Second Congressional District of Texas, to the joint session and the assemblage.

Mr. Dies then addressed the joint session and the assemblage.

At the conclusion of the address, the President announced the business of the joint session concluded and requested the Senate to repair to its Chamber.

In The Senate

The President called the Senate to order at 12:10 o'clock p. m.

House Bill 344 on Passage to Third Reading (Special Order)

The Senate resumed consideration of the pending special order, same being H. B. No. 344, relating to publication of legal notices, on its passage to third reading.

Question—Shall the bill be passed to third reading?

Recess

Senator Cotten moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded and the motion was lost by the following vote:

Yeas—10

Burns	Stone
Cotten	of Washington
Martin	Van Zandt
Moore	Weinert
Pace	Winfield
Small	

Nays—15

Aikin	Lanning
Beck	Metcalf
Graves	Moffett
Hardin	Nelson
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Sulak

Absent

Brownlee	Roberts
Collie	Shivers

Absent—Excused

Lemens	Redditt
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Senator Weinert moved that the Senate recess to 2:00 o'clock p. m., today.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—16

Aikin	Pace
Beck	Roberts
Burns	Small
Cotten	Stone
Head	of Washington
Isbell	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Nays—10

Graves	Nelson
Hardin	Spears
Hill	Stone
Kelley	of Galveston
Lanning	Sulak
Metcalf	

Absent

Brownlee	Shivers
Collie	

Absent—Excused

Lemens	Redditt
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The Senate, accordingly, at 12:15 o'clock p. m., took recess to 2:00 o'clock p. m., today.

Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced by Senator Burns, read first time, and referred to the committee indicated:

By Senator Moore:

S. B. No. 485, A bill to be entitled "An Act to validate all ad valorem tax levies and assessments heretofore made by incorporated cities and towns in the State of Texas having a population of not less than 3,450 inhabitants and not more than 3,455

according to the last Federal Census, which levies and assessments are void or unenforceable because of the failure of the governing body of each respective incorporated city and town to make such levy by ordinance and which levies and assessments of property are void or unenforceable because of the failure of the tax assessor and collected of each respective incorporated city and town to make and prepare the proper assessment rolls and reports and which levies and assessments are void or unenforceable because of the failure of such tax assessor and collector to make and prepare current tax rolls as required by the statutes of this State; providing this Act shall not validate any levies and assessments for ad valorem taxes where the validity of such levy and assessment has been contested in any pending suit; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

**House Bill 344 on Passage to
Third Reading
(Special Order)**

The Senate resumed consideration of the pending special order, same being H. B. No. 344, relating to publication of legal notices, on its passage to third reading.

Question—Shall the bill be passed to third reading?

Pending an address by Senator Moore on the question, Shall the bill be passed to third reading? Senator Stone of Washington asked unanimous consent of the Senate that Senator Moore be permitted to yield the floor to allow a motion to be made to suspend the regular order of business to take up and consider at this time H. C. R. No. 146, and that Senator Moore be permitted to continue his address when consideration of H. B. No. 344 is resumed.

The President announced there was objection to the request.

Pending further debate by Senator Moore, Senator Head raised the point of order that Senator Moore is not the sponsor of the bill, and should not be allowed to continue his address until the sponsor of the bill has first been allowed to speak in favor of its passage to third reading.

The President overruled the point of order.

Senator Burns moved that the Senate adjourn until 10:00 o'clock a .m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—11

Beck	Small
Burns	Stone
Martin	of Washington
Moore	Van Zandt
Pace	Weinert
Roberts	Winfield

Nays—17

Aikin	Lanning
Brownlee	Lemens
Collie	Metcalf
Graves	Moffett
Hardin	Nelson
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Sulak

Absent

Cotten	Shivers
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Absent—Excused

Redditt

After further debate, Senator Cotten moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—14

Beck	Shivers
Burns	Small
Collie	Stone
Cotten	of Washington
Martin	Van Zandt
Moore	Weinert
Pace	Winfield
Roberts	

Nays—16

Aikin	Lanning
Brownlee	Lemens
Graves	Metcalf
Hardin	Moffett
Head	Nelson
Hill	Spears
Isbell	Stone
Kelley	of Galveston
	Sulak

Absent—Excused

Redditt

After further debate, Senator Shivers moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost, by the following vote:

Yeas—14

Beck	Shivers
Burns	Small
Collie	Stone
Cotten	of Washington
Martin	Van Zandt
Moore	Weinert
Pace	Winfield
Roberts	

Nays—16

Aikin	Lemens
Brownlee	Metcalf
Graves	Moffett
Hardin	Nelson
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	

Absent—Excused

Redditt

After further debate, Senator Pace moved that the Senate adjourn until 10:00 a'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—14

Beck	Shivers
Burns	Small
Collie	Stone
Cotten	of Washington
Martin	Van Zandt
Moore	Weinert
Pace	Winfield
Roberts	

Nays—15

Aikin	Lanning
Brownlee	Lemens
Graves	Metcalf
Hardin	Nelson
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Sulak

Paired

Senator Moffett (present), who would vote "nay" with Senator Redditt (absent), who would vote "yea."

After further debate, Senator Mar-

tin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—14

Beck	Shivers
Burns	Small
Collie	Stone
Cotten	of Washington
Martin	Van Zandt
Moore	Weinert
Pace	Winfield
Roberts	

Nays—16

Aikin	Lemens
Brownlee	Metcalf
Graves	Moffett
Hardin	Nelson
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	

Absent—Excused

Redditt

After further debate, Senator Stone of Washington moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—14

Beck	Shivers
Burns	Small
Collie	Stone
Cotten	of Washington
Martin	Van Zandt
Moore	Weinert
Pace	Winfield
Roberts	

Nays—16

Aikin	Lemens
Brownlee	Metcalf
Graves	Moffett
Hardin	Nelson
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	

Absent—Excused

Redditt

Question—Shall H. B. No. 344 be passed to third reading?

Messages from the House

Pending consideration of H. B. No. 344, a Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,
Austin, Texas, June 1, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

H. B. No. 775, A bill to be entitled
"An Act empowering the State Board
of Education to adopt a multiple list
of textbooks for the high school sub-
jects now on the accredited list for
which no textbooks are furnished; re-
pealing all laws and parts of laws in
conflict herewith, and declaring an
emergency."

H. B. No. 927, A bill to be entitled
"An Act authorizing the Commission-
ers' Court to levy a tax not to exceed
ten cents (10c) on the One Hundred
Dollar (\$100) valuation upon personal
and/or real property for the purpose
of paying for the immunization of
school children and indigent people
from communicable diseases; author-
izing the Commissioners' Court to pay
as much as one-half or any portion
thereof as they may deem reasonable
for the treatment of indigent people
other than paupers; providing a sav-
ings clause, and declaring an emer-
gency."

H. B. No. 1039, A bill to be entitled
"An Act providing that the date for
the execution of a person sentenced
to death shall not be fixed so as to
fall upon a Friday, and providing
that in the event the date of the
execution is fixed so as to fall upon
a Friday, the execution of the sen-
tence be postponed to the following
day, and declaring an emergency."

H. B. No. 1092, A bill to be entitled
"An Act to amend Section 1 of House
Bill No. 413, passed by the Forty-
sixth Legislature, Regular Session,
providing that all ordinances hereinafter enacted by Home Rule Cities of the State of Texas, organized and operating under the Home Rule Amendment to the Constitution of the State of Texas, and the provisions of Title 28, Chapter 13, of the Revised Civil Statutes of Texas, 1925, shall be published as provided in the charters of such cities and establishing

rule for publication of ordinances pre-
scribing penalties where charter does
not provide for such publication; pro-
viding this Act shall be cumulative of
other laws, and declaring an emer-
gency."

H. B. No. 1093, A bill to be entitled
"An Act prescribing certain proced-
ures for the issue of certificates re-
quired by law; providing for penalties
for the violation thereof, and declar-
ing an emergency."

H. B. No. 1094, A bill to be entitled
"An Act fixing the salaries of Super-
intendents of Public Instruction in
each county in Texas having a popu-
lation of not less than twenty-three
thousand, six hundred and twenty
(23,620) nor more than twenty-three
thousand, eight hundred (23,800), ac-
cording to the last Federal Census
or any subsequent Federal Census;
providing mode and manner of paying
such salaries; repealing all laws and
parts of laws in conflict herewith to
the extent of the conflict only, and
declaring an emergency."

H. B. No. 1110, A bill to be entitled
"An Act fixing compensation for jus-
tices of the peace and constables in
certain counties; providing said com-
pensation may be paid by part fees
and part salary; providing mode and
manner for payment of this salary;
providing for limitations under this
Act, and declaring an emergency."

H. B. No. 1116, A bill to be entitled
"An Act to require the inspection of
shucked oysters produced outside of
the State of Texas before the same
may be offered for sale within the
State of Texas; providing method and
fees for such inspection; fixing a pen-
alty, and declaring an emergency."

H. B. No. 1117, A bill to be entitled
"An Act requiring any person hunt-
ing any quail in Comanche County
upon the private lands of another
person in Comanche County, to first
obtain and have in his possession a
written permit; providing that the
provisions shall not apply where such
person is so hunting in company with
the owner or agent of such lands;
providing other necessary regulations
pertaining to the obtaining of such
permit, providing that the failure to
have in possession such valid permit
shall be prima facie evidence of guilt;
providing a suitable penalty for viola-
tion of any provision of this Act;
providing that it shall be the duty

of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act, and repealing all laws in conflict with any provision of this Act, insofar as they relate to Comanche County, and declaring an emergency."

H. B. No. 1118, A bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the Andrews Independent School District, in the County of Andrews and the State of Texas, and other lands and territory adjacent thereto in Andrews County, to incorporate as an independent district for free school purposes only, to be hereafter known as the Andrews Independent School District, with all the powers, rights, privileges and duties of independent school districts formed by incorporation of territory for free school purposes only; and to provide for an election on the question of divesting the old Andrews Independent School District of control of its public schools and title to school properties, and vesting the same in the new Andrews Independent School District and its Board of Trustees providing for a Board of School Trustees for the control and management of said independent school district; providing that all funds held for public school purposes and to be used in the territory included in the new district shall be turned over to the Trustees of the new district as herein provided may be created; providing that any outstanding bonds or indebtedness of the old district may, upon an election being held in the new district, be paid by a tax duly levied in the new district; providing other incidental provisions, and declaring an emergency."

H. B. No. 1119, A bill to be entitled "An Act validating refunding bonds authorized by any Home Rule City whose charter allocates its permitted taxing power to specified purposes, and which refunding bonds were authorized to refund all of the outstanding bonds of such City, and have been approved by the Attorney General, notwithstanding the fact one or more issues of such refunding bonds or the bonds refunded thereby may have been authorized and issued for the purpose of refunding bonds originally payable from such separate tax allocations; validating the proceedings authorizing such refunding bonds and the taxes

levied for their payment; providing that such taxes shall not be affected by charter provisions requiring allocation of such taxes to specific purposes, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 1, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 46, Granting permission to W. F. Farrier to sue the State of Texas, etc., and declaring an emergency.

S. C. R. No. 54, Granting permission to J. W. Millard to sue the State of Texas and the State Highway Department.

S. C. R. No. 55, Expressing appreciation to Doctor Estill for his contribution to the educational advancement of our beloved State.

H. C. R. No. 152, Granting Floyd Farrell permission to bring suit against the Texas Prison Board and the State of Texas.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 1, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 72 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House: Hull, Leonard, Wright, Bond, Smith of Frio.

The House has adopted the Conference Committee report on S. J. R. No. 6 by a vote of 104 ayes, 0 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Pending consideration of H. B. No. 344 and the address of Senator Moore

on the question of the passage of the bill to third reading, a Clerk from the House was announced by the Doorkeeper and was recognized by the President to communicate the following message:

Hall of the House of Representatives,
Austin, Texas, June 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 238, A bill to be entitled "An Act to amend Sections 2, 5, 7, 8, 13, 15, 23 and 25 of Article 2997a of the Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Forty-fifth Legislature Second Called Session 1937 by providing that a voting machine approved by the Secretary of State must be constructed with certain requirements, with facilities for voting for candidates legally placed on a ballot, for permitting a voter in a general election to vote for any person for any office, for permitting voting in absolute secrecy and providing for the numbering of votes as they are cast and for that purpose having a public numbering counter, must also have a protective numbering counter; providing that such voting machines must also prevent voting for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote and prevent voting for more than one person for the same office and for the same person twice, and must be provided with certain locks or a lock; providing that the county commissioners' court of a county which has adopted voting machines shall provide voting machines for each voting precinct designated; providing that the county commissioners' court of any county which has adopted voting machines for that county or any portion thereof may divide their respective counties into convenient election precincts containing any number of qualified voters; providing for the publication of such order; providing for the delivery to the Tax Assessor and Collector of a certified copy of such last order; etc., and declaring an emergency." (With amendments.)

S. B. No. 482, A bill to be entitled "An Act validating and approving all proceedings had by the Board of Di-

rectors of any Water Control and Improvement District situated wholly within one county and containing not exceeding three thousand five hundred (3,500) acres of land, and created for the purpose of the construction of improvements for a water purification and distribution system, together with a sanitary sewer system, under authority of Section 3, of Chapter 25, Acts of the Thirty-ninth Legislature, Regular Session, as amended by Section 1, of Chapter 107, Acts of the Fortieth Legislature, First Called Session, and as further amended by Section 2, Chapter 280, Acts of the Forty-first Legislature, Regular Session, and Section 3a, of Chapter 25, Acts Thirty-ninth Legislature, Regular Session, as added by Section 17a, of Chapter 280, Acts of the Forty-first Legislature, Regular Session, in the issuance and sale of water and sewer construction bonds on the faith and credit of any such districts, for which a loan has been made by the United States, through the Reconstruction Finance Corporation, or other agency or department of the Government of the United States; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or bonds issued thereunder, the validity of which has been contested in any pending suit or litigation; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Point of Order

Pending consideration of H. B. No. 344 and the address by Senator Moore, a Clerk from the House was announced by the Doorkeeper, and was recognized by the President, to present a message from the House.

Senator Spears raised the point of order that Senator Moore may not yield the floor for the reception of the message without losing his right to resume his address when the message has been communicated to the President.

The President overruled the point of order.

The following message then was duly communicated:

Hall of the House of Representatives,
Austin, Texas, June 1, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

S. B. No. 298, A bill to be entitled
"An Act setting out the authority of
the Texas State Parks Board in all
matters pertaining to land titles and
interests, authorizing the acceptance,
rejection, or reconveyance of park
sites, and declaring an emergency."
(With amendments.)

S. B. No. 302, A bill to be entitled
"An Act to amend the law relating
to juveniles, Title 82, Revised Civil
Statutes, 1925, by adding thereto an-
other paragraph or section to be
known as Article 5139B, providing
that the judges of the several dis-
trict courts and criminal district
courts, the judges of the county
courts at law, and the county judge,
in any county of this State having a
population of not less than 290,000
nor more than 320,000 according to
the last preceding Federal census, or
any county which may hereafter have
such population, shall constitute a
juvenile board for such county; pro-
viding for the compensation, and the
payment thereof, of the judges of the
county courts at law and the county
judge, as members of such board, and
prescribing their powers and duties;
providing that the salaries of the
judges of the several district courts
and criminal district courts, as mem-
bers of such board, shall remain as
provided by law; providing that all
laws and parts of laws in conflict with
this Act are repealed; and declaring
an emergency."

S. B. No. 401, A bill to be entitled
"An Act amending Article 625 of the
Code of Criminal Procedure of the
Revised Statutes of 1925, [relating
to pay of veniremen].

S. B. No. 465, A bill to be entitled
"An Act authorizing the Board of
Directors of Texas Technological Col-
lege at Lubbock, Texas, to select and
lease a tract of land upon the campus
of said college to the Texas National
Guard Armory Board for purpose of
erecting thereon an armory and other
buildings to be used by Texas Na-
tional Guard under provisions of Sen-

ate Bill No. 326, enacted by Regular
Session of the Forty-sixth Legisla-
ture, approved May 1, 1939; provided
terms of such lease contract; author-
izing Board of Directors of said col-
lege to select and set aside tract of
land on said campus not in excess of
ten (10) acres to be used by Texas
National Guard as drill ground; au-
thorizing said Board of Directors of
said college to permit Texas National
Guard, and any subdivision thereof,
ingress upon said campus and egress
therefrom for purpose of going to and
from such armory, other buildings
and drill grounds; providing a saving
clause; and declaring an emergency."
(With amendments.)

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Adjournment

Senator Isbell moved that the Sen-
ate adjourn until 10:00 o'clock a. m.
tomorrow.

Yeas and nays were demanded.

The roll was called, and the vote
was announced: yeas 15, nays 15.

The President voted yea, and the
motion to adjourn prevailed by the
following vote:

Yeas—16

Mr. President	Roberts
Beck	Shivers
Burns	Small
Collie	Stone
Cotten	of Washington
Isbell	Van Zandt
Martin	Weinert
Moore	Winfield
Pace	

Nays—15

Aikin	Lemens
Brownlee	Metcalfe
Graves	Moffett
Hardin	Nelson
Head	Spears
Hill	Stone
Kelley	of Galveston
Lanning	Sulak

Absent—Excused

Redditt

The Senate, accordingly, at 6:25
o'clock p. m., adjourned until 10:00
o'clock a. m. tomorrow.

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
May 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 69 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 482 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 58 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

EIGHTIETH DAY

(Friday, June 2, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Lemens
Beck	Martin
Brownlee	Metcalf
Burns	Moffett
Collie	Moore
Cotten	Nelson
Graves	Pace
Head	Roberts
Hill	Shivers
Isbell	Small
Kelley	Spears
Lanning	

Stone of Galveston	Sulak
Stone of Washington	Van Zandt
	Weinert
	Winfield

Absent—Excused

Hardin	Redditt
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A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hardin was granted leave of absence for today on account of important business, on motion of Senator Cotten.

Senator Redditt was granted leave of absence for today on account of illness, on motion of Senator Pace.

Senate Bill on First Reading

Senator Spears moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Nelson
Beck	Pace
Brownlee	Roberts
Burns	Shivers
Collie	Small
Cotten	Spears
Hill	Stone
Isbell	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent

Graves	Kelley
Head	Van Zandt

Absent—Excused

Hardin	Redditt
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